

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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U.S. DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

2015 MAY 14 A 10:42

Kendrick Daniels,

Plaintiff,

v.

Andy Strickland, Jodie Taylor, Matthew
Walker, Colleton County Sheriff's
Office, and David Matthew,

Defendants.

Civil Action No. 9:15-cv-1280-RMG

ORDER

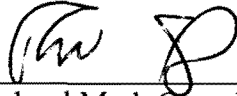
This matter is before the Court on the Report and Recommendation ("R&R") of the Magistrate Judge (Dkt. No. 11) recommending that this Court dismiss the action without prejudice, in accordance with Rule 41(b), Fed. R. Civ. P. The Court hereby adopts the R&R.

Plaintiff filed suit pursuant to 42 U.S.C. § 1983 when he was a pretrial detainee at the Colleton County Detention Center. On March 30, 2015, a Proper Form Order was mailed to Plaintiff, which was returned to the Clerk of the Court with an envelope marked "Return to sender, unable to forward."

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court makes a *de novo* determination of those portions of the R&R to which specific objection is made and may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Clerk of the Court mailed the R&R to the last known address of Plaintiff, and has received no objections, no change of address, and no other communication from Plaintiff.

The Court therefore ADOPTS the R&R as the order of the Court and DISMISSES the action without prejudice.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

May 14, 2015
Charleston, South Carolina